

Remarks

Claims 1-9 are pending. Reconsideration and allowance based on the following remarks are respectfully requested.

Title

The Examiner continues to object to the title and suggests amending the title to what he deems is more appropriate, specifically "Email Processing Server Awarding Lottery Tickets." In Applicants' previous response, Applicants stated that the present invention does not award lottery tickets. Thus, why would Applicants amend the title to state such? The suggested title is clearly not appropriate. As stated in the last response, Applicants' current title "Email Processor and Lottery Server" is entirely appropriate as the claimed email processing servers perform both functions as an email server by which emails are sent between two or more mobile users and a lottery server for determining a winner of a specific prize based on the emails. Accordingly, withdrawal of the objection of the title is respectfully requested.

Prior Art Rejections

The Office Action rejects claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Yamaura (U.S. Patent Application Publication No. 2002/0016199) in view of Bansal et al. (U.S. Patent No. 6,106,338) and von Kohorn (U.S. Patent No. 5,697,844) and Bansal et al. (U.S. Patent No. 6,273,816); claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Yamaura, Bansal ('338 & '816), von Kohorn, and Noh et al. (U.S. Patent Application Publication No. 2001/0051896); claims 3 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Yamaura and Bansal ('338); claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Yamaura, Bansal ('338), and Noh et al.; claim 5 under 35 U.S.C. § 103(a) as being unpatentable over

Yamaura, Bansal ('338 & '816), von Kohorn, and Acres (U.S. Patent Application Publication No. 2002/0061778); claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Yamaura, Bansal ('338), and Acres; claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Yamaura, Bansal ('338 & '816), von Kohorn, Acres and Landress et al. (U.S. Patent Application Publication No. 2003/0191816); and claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Yamaura, Bansal ('338), Acres and Landress. These rejections are respectfully traversed.

Yamaura is relied upon to teach the use of emails as a preface for entering a lottery. In Yamaura it is the sender of the email, not the recipient, who is eligible to win a lottery. Specifically, Yamaura teaches a method for increasing the number of people using a home page by attaching a lottery number to an email sent by a user and message to a particular home page to see if they have won based on that attached lottery number. These lottery numbers are completely random and have nothing to do with the being selected based on information associated with emails sent to a particular mobile terminal.

Bansal ('338) is provided to remedy Yamaura's deficiencies. Bansal ('338) is provided to teach the claimed "send information including the number of received e-mails and total amount of received data by said first and second mobile terminals." The Examiner relies upon the teachings in Bansal in which a memory block 43 (see Fig. 2) is used to store the sent information (such as number of calls made during a period of time, total amount of call time used, etc.), at page 8 of the Office Action. Applicants respectfully submit that this teaching in Bansal does not teach or suggest the above recited features.

At best the "total number of calls" may correspond to the number of emails recited in the claims, however, the "total amount of call time" does not

correspond to the claimed “total amount of received data.” It is unclear how the Examiner is deriving a teaching of the “total amount of received data” with regards to an email from a teaching associated with the amount of call time associated with a telephone call. **Total time and total data are not the same.** They are distinct measurements. If the Examiner believes differently, the Examiner is requested to provide a reference that teaches that total time and total data are analogous.

As stated in the last response, even if the “total amount of call time” is broadly interpreted as a time spent to communicate data, such interpretation is still different from the total amount of received data. The “time spent to communicate data” depends on the bandwidth of a communication path used in the communication, but does not uniquely correspond to the total amount of received data. Accordingly, Bansal’s teachings of storing sent information corresponding to the number of calls made, or total amount of call time used, does not correlate to the claimed total amount of received data. Nowhere in Bansal is this feature of Applicants’ claims taught.

Thus, Bansal fails to remedy the deficiencies of Yamaura specifically the termination of a winning probability of prize determination based on data associated with the recipient of an email and the send information including the number of received e-mails and total amount of received data by said first and second mobile terminals, as recited in the independent claims 1, 3 and 9. Further, Bansal ('816) fails to remedy the deficiencies of Bansal ('338) and Yamaura. Bansal ('816) is merely provided to teach a lottery directed to recipient of a call.

Furthermore, neither Yamaura nor Bansal teach or suggest attaching to the email sent between a first and second terminal, a winning notification prior to the email being received by the second terminal.

In Yamaura, a winning notification is determined by the user going to a specific web site and entering the lottery number to determine if the person is a winner, then the web site notifies this particular person. In Bansal, the caller who initiated the call is notified of his winning status by interruption of the call by displaying the message or by other notification. However, the call has already been initiated between the caller 1 and the caller 2. Nowhere does Bansal teach or suggest attaching a notification to an email prior to the email being received at the second terminal.

The Examiner states that paragraph [0031] of Yamaura teaches the above winning notification attached to an email. Paragraph [0031] states:

Notably, when an e-mail is created on the original mailer and without attaching any lottery number in the e-mail sending portion in the server and the sending instruction is given, the data is exchanged with the server before sending mail. Then, **a lottery number is attached to the e-mail** on the terminal and the lottery numbered e-mail is sent via a general SMTP server. (emphasis added)

The Examiner's understanding of paragraph [0031] is inaccurate. Paragraph [0031] refers to attaching a lottery number to an email by the server, not a winning notification. The winning notification can only be obtained by going to a determined web site. Thus, Yamaura fails to teach this feature.

Further, Banal ('816) also fails to teach this feature. The Examiner refers to column 5, lines 42-54 as providing this teaching. This section of Bansal states that a messages is sent from the controller 41 to the winning recipient, not from the first terminal as claimed by Applicants. The first mobile terminal in Applicants' claims is the party who originates the email to the recipient (second mobile terminal). The first mobile terminal is not a controller as taught in Bansal.

Thus, Bansal also fails to teach this feature of the claimed invention.

Further, von Kohorn fails to remedy the deficiencies of Yamaura. Noh et al., Acres and Landress are each provided to teach features of the dependent claims and therefore also fail to remedy the deficiencies of Yamaura and Bansal.

Therefore the combination of references fail to teach or suggest, *inter alia*, a storage for storing send information of the e-mail, which is sent from the receiver or sender, the send information including the number of received e-mails and total amount of received data by said first and second mobile terminals; a winning probability decider for deciding a winning probability of a drawing of lots applied to a user of the second mobile terminal according to the send information stored in the storage; and a lot-drawer for executing a lot-drawing from the winning probability decided by the winning probability decider, wherein if the winning probability results in the second mobile terminal winning a prize, a winning notification is attached to the e-mail sent from said first mobile terminal prior to being reviewed by said second mobile terminal, as recited in claim 1.

A storing unit that stores send information of the e-mail, which is sent by the sending/receiving unit, the send information including the number of received e-mails and total amount of received data by said first and second mobile terminals; and lot-drawing unit that executes a lot-drawing applied to a user of the second mobile terminal when the send information stored in the storing unit satisfies a predetermined condition, as recited in claim 3.

A server which relays the emails sent from one of said first or second mobile terminals to the other, the server storing mobile terminal information which includes the number of emails received by each of the at least first and

second mobile terminals and also the total amount of data received by each of the at least first and second mobile terminals, wherein the server determines a winner of a prize using at least part of the mobile terminal information, as recited in claim 9.

Therefore, the combination of Yamaura and Bansal ('338 & '816) by themselves or combined with von Kohorn fail to teach each and every feature of the independent claims as required. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

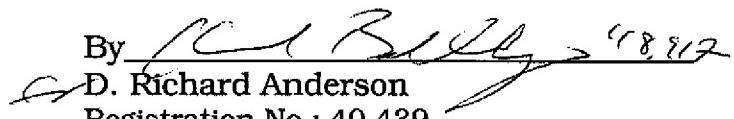
For at least the above reasons Applicants respectfully submit claims 1-9 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings, Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: May 13, 2008

Respectfully submitted,

By 
D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants